

## COVINGTON

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Arlo Devlin-Brown

Covington & Burling LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
T +1 212 841 1046  
adevlin-brown@cov.com

### Via Electronic Case Filing System

February 22, 2024

Hon. Loretta A. Preska  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Smart Agunbiade*, 21 Cr. 609 (LAP)**

Dear Judge Preska:

On behalf of Mr. Agunbiade, we write to respectfully request an adjournment of Mr. Agunbiade's surrender date, which is currently scheduled for February 23, 2024, to March 18, 2024. On February 8, 2024, the Court adjourned Mr. Agunbiade's surrender date from February 10 to February 23, 2024 in order for him to pursue a legal claim against a landlord holding his personal property. The Court noted that any further requests to adjourn must be supported by information about the status of Mr. Agunbiade's efforts to obtain the property held by his landlord in the state court proceeding. See ECF 431. Further developments outside of Mr. Agunbiade's control in his landlord proceeding, set out below, support further adjournment.

As we discussed in our prior requests, Mr. Agunbiade is currently involved in a dispute with his former landlord, which has necessitated several prior adjournments of Mr. Agunbiade's surrender date. The litigation involves Mr. Agunbiade's landlord, who locked Mr. Agunbiade out of a building he was renting and seized many of his personal belongings, including valuables he hopes to sell to support his family and important personal items such as his birth and marriage certificates, which are relevant to his immigration status and future immigration proceedings.

When we last wrote the Court, Mr. Agunbiade the trial date had been adjourned to February 15, 2024, because the defendant (the landlord) had a scheduling conflict. On February 15, the trial court *sua sponte* adjourned the proceedings further to March 13, for what we understand to be personal circumstances requiring the judge's absence. A copy of the docket entry adjourning the trial date is attached hereto as **Exhibit A**.

As we described to the Court in our letter of December 15, while we have been informed by the presiding court that Mr. Agunbiade would be able to testify at trial remotely, it is not clear that FCI Allenwood would be able or willing to arrange for his remote participation in a state law civil matter. Even if remote testimony is possible, it would not allow the same meaningful participation and consultation with counsel that a live appearance would provide. Of even greater importance, should Mr. Agunbiade prevail at trial and obtain an order requiring the

granted. SO ORDERED  
Loretta A. Preska  
LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

2/22/24

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landlord to return his property, he would not be able to obtain access to that property if he is incarcerated, which he urgently needs given the potential immigration consequences Mr. Agunbiade may face after he serves his criminal sentence. Further, the sale of that property is important for Mr. Agunbiade's continued financial support of his family, including his young daughter, during his incarceration.

An adjournment until March 18 will afford Mr. Agunbiade an opportunity to attend to these important matters before he begins service of his sentence. The publicly redacted portion of the letter dated February 7, 2024 provides additional support for this request. We have conferred with the government, which objects to the request.

Respectfully submitted,

/s/ Arlo Devlin-Brown  
Arlo Devlin-Brown  
Michael E. Cunniff  
Mackenzie J. Dooner

## **Exhibit A**

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UNION SPECIAL CIVIL PART  
SPECIAL CIVIL PART  
2 BROAD STREET  
ELIZABETH NJ 07207  
TELEPHONE: (908) 787-1650

IBRAHIM AHMED  
IBRAHIM AHMED LAW GROUP, P  
4105 US-1 SOUTH, STE 2

MONMOUTH JUNCTIO NJ 08852

FEBRUARY 16, 2024

CV0275

CASE NUMBER: UNN DC-010313-23  
SMART AQUUBAILE  
VS  
463 E 1ST REALTY

A NON-JURY TRIAL HAS BEEN SCHEDULED FOR THIS CASE ON 03-13-2024 AT 09:00AM.

YOU MUST ATTEND IN PERSON.

PLEASE REPORT TO JUDGE GOVAN COURT ROOM 3A

\*ADJOURNED FROM 02-15-2024

UNION SPECIAL CIVIL PART  
SPECIAL CIVIL PART  
2 BROAD STREET  
ELIZABETH NJ 07207  
TELEPHONE: (908) 787-1650

JEFFREY M COHEN  
COHEN & LAMELA, LLP  
2000 MORRIS AVENUE

UNION TWP NJ 07083

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